

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, *et al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 09-01364 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY
DISMISSAL WITH PREJUDICE AS TO
DEFENDANT THEMA INTERNATIONAL FUND PLC**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP and defendant Thema International Fund plc (“Thema International”), by and through their respective counsel (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 5, 2010, the Trustee filed an amended complaint in the above-captioned adversary proceeding in which he asserted claims against, among others, Thema International (the “Claims”).

2. On August 31, 2017, the parties entered into an agreement to settle the Claims.

3. On October 20, 2017, this Court entered an Order approving the settlement agreement between the Trustee, on the one hand, and Thema International, on the other hand (the “Thema Settlement”) (ECF No. 482). The Thema Settlement provides for the release of the Claims as against Thema International.

4. In accordance with Rule 7041 of the Federal Rules of Bankruptcy Procedure and Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to the dismissal with prejudice of the Claims, with each party bearing its own costs, attorneys’ fees, and expenses.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and

the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: December 18, 2017
New York, New York

DEBEVOISE & PLIMPTON LLP

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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Estate of Bernard L. Madoff*

SO ORDERED

Dated: **December 18, 2017**
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE